

REMARKS

Claim numbering

Applicants note the Examiner has re-numbered misnumbered claims 12-21 to 11-20. Applicants use the moniker “previously presented” in the claim listing for claims 14 and 17, to reflect the change in numbering carried out by the Examiner.

Claims 11 and 23 have been amended to change steps d), e) and f) to a), b), and c).

Dependencies of claims 12, 13, and 18-20 have been changed to make them depend from the proper renumbered claim.

Prior Art Rejection

Claims 1-6, 10, 15 and 16 were rejected on prior art grounds. The claims are cancelled without prejudice. This renders the rejection of such claims moot.

Allowable claims

The remaining claims are in allowable form.

Claims 7-9 were objected to but were indicated to be in allowable form if amended to be in independent form and include the limitations of the base claim and intervening claims. Claims 7 and 8 have revised the language of the base claim to delete the “either/or” language and just recite the subject matter pertinent to claims 7 and 8, namely packet arrival times (claim 7) and latency between grants of bandwidth and packet arrival times (claim 8). This minor revision to the scope of the base claim

improves the claim form and clarity of claims 7 and 8. Claim 9 retains the "either/or" language.

Claims 11-14 and 17-27 were allowed.

New claims 28-33 are added to incorporate the subject matter of cancelled claims 2, 4, 5 and 6 and to have them depend from allowable claim 7, and to have the subject matter of cancelled claims 2 and 6 depend from allowable claim 8.

Please charge deposit account no. 13-2490 any required fees for the new claims.

As the application is in condition for allowance, prompt and favorable action to that end is requested.

Respectfully Submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Date:

6/6/06

By:

Thomas A. Fairhall

Thomas A. Fairhall

Reg. No. 34,591

CERTIFICATE OF MAILING

The undersigned hereby certifies that the foregoing RESPONSE TO MAY 5, 2006 OFFICE ACTION is being deposited as first class mail, postage prepaid, in an envelope addressed to mail stop Amendment, Commissioner for Patents, PO Box 1450 Alexandria VA 22313-1450 on this 6th day of June, 2006.

Thomas A. Fairhall

Thomas A. Fairhall

Reg. No. 34,591